



**CONTINUED PROSECUTION APPLICATION (CPA)**  
**REQUEST TRANSMITTAL (Large Entity)**  
 Submit an original, and a duplicate for fee processing.  
 Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Docket No.

35294.3.5.2

 **DUPLICATE** (Check box if applicable)

First Named Inventor	Examiner	Group/Art Unit
TREADWAY	Peter D. Mulcahy	1713

## Address to:

Assistant Commissioner for Patents  
 Box CPA  
 Washington, D.C. 20231

This is a request for filing a  continuation, or  divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/378,318 filed on 20 August 1999 and entitled:

**COATING COMPOSITION YIELDING ABRASION-RESISTANT TINTABLE COATINGS**

H8  
PP  
J1/19/02

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3.  This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent is enclosed.
5.  An Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations
6.  The fee for this application is calculated as follows:

RECEIVED  
JUL 18 2002  
TC 1700

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	18	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$80.00	\$0.00
<b>Multiple Dependent Claims (check if applicable)</b>					<input type="checkbox"/>
07/18/2002 CNGUYEN 00000074 09378318				<b>BASIC FEE</b>	\$740.00
02 FEE:131	740.00 UP			<b>TOTAL FILING FEE</b>	\$740.00

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
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7.  The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
Deposit Account No. 061910

- fees required under 37 C.F.R. 1.16.
- fees required under 37 C.F.R. 1.17.
- fees required under 37 C.F.R. 1.18.

8.  A check in the amount of \$740.00 is enclosed.

9.  Also enclosed:  
**Petition for Extension of Time**



10.  The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address  
is provided below:

**RECEIVED**  
JUL 18 2002  
**TC 1700**

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**



**NOTES**

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**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

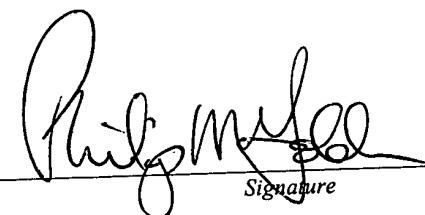
**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated:

8 JUL 2002

  
Signature

Philip M. Goldman

Typed or printed name

31,162

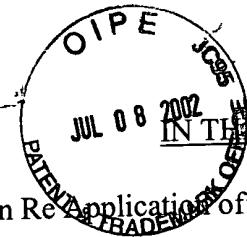
Registration Number (if applicable)

Inventor(s)

Assignee of complete interest

Attorney or agent of record

cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Atty. Docket 35294.3.5.2

Treadway

Art Unit: 1713

Serial No. 09/378,318

Examiner: P. Mulcahy

Filed: 20 August 1999

For: COATING COMPOSITION YIELDING  
ABRASION-RESISTANT TINTABLE  
COATINGS

SENt VIA EXPRESS MAIL  
POST OFFICE TO ADDRESSEE  
MAILING LABEL NO. EV091141116US

To: Commissioner for Patents  
Box CPA  
Washington, D.C. 20231



PRELIMINARY AMENDMENT

This is in support of the enclosed Continued Prosecution Application and in response to the Office Action mailed 06 March 2002, the period for response to which has been extended to 06 July 2002 by the accompanying Petition for Extension of Time.

Remarks

Claims 1-18 remain pending and rejected under Section 112, 2nd paragraph, and Section 103(a).

The rejection under Section 112, second paragraph, is respectfully traversed. As described previously, the terms "hydrolysis product ... alkoxy silane" and "unhydrolyzed ... alkoxy silane", are considered to be both clear and proper under the circumstances. A preferred composition of the present invention affirmatively includes both hydrolyzed and unhydrolyzed epoxy-functional alkoxy silanes. While the "hydrolysis product" of such a silane can certainly include compounds that are themselves *partially* hydrolyzed (depending on the mole ratio of water to alkoxy groups), an unhydrolyzed silane of the sort claimed is clearly one that is prepared and used in the absence of water. The specification itself teaches the manner in which water is removed from the hydrolysis product component, prior to the addition of an unhydrolyzed component, in order to permit the latter to retain its unhydrolyzed nature. See, for instance, the examples in which the partially hydrolyzed component is stripped of volatiles (including water) prior to being combined with the unhydrolyzed component.

In response, the Action simply maintains that "a partially hydrolyzed compound would fall within the scope" of the current claims. As explained in greater detail below, given the context in which the term "partially hydrolyzed" arises in the cited art, it is not at all suggestive